

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ENCORE BANK,

Plaintiff,

v.

ACE AMERICAN INSURANCE
COMPANY,

Defendant.

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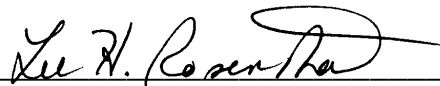
CIVIL ACTION NO. H-09-0760

ORDER OF DISMISSAL

Counsel for the parties have advised the court that an amicable settlement has been reached in this action. It is ordered that this cause be dismissed on the merits, without prejudice to the right of counsel to move for reinstatement within 60 days upon presentation of adequate proof that the settlement could not be consummated. It is further ordered that all motions currently pending are denied without prejudice. Any movant seeking to resubmit or reurge those motions must do so within 10 days from the date any motion for reinstatement is filed.

The court appreciates the prompt notification of settlement.

SIGNED on August 12, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge